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**From:** Bill Bettenberg [BBettenberg@homerlaw.com]  
**Sent:** 11/27/2013 1:11:00 AM  
**To:** Lee, Bessie [Lee.Bessie@epa.gov]  
**CC:** lpuhuyesva@hopi.nsn.us  
**Subject:** Response to some HAMP Tribe-Village MOA questions/issues

Bessie – In thinking about our conversation the other day, I'm not sure we discussed a number of items that you raised in your comments on the Tribe-Village MOA so I thought I had better follow up. Here are some responses with some context:

1. The USDA-RD grants will be applied for by HPUA.
2. You asked what we meant by operational HPUA utilities. This was item 5 under Tribal commitments. HPUA is chartered to create and manage a variety of public utility services, of which wholesale water to the eastern villages is only one. Here, the idea was to capture the notion that the Tribal Council would take responsibility for funding any particular public utility service until it was in a position to be self supporting – i.e., the water service fees wouldn't be paying for setting up an electric utility.
3. The proposed \$2 million for HAMP from the Tribe would go to HPUA.
4. On item 10 under Tribal Commitments on your copy, you asked about drought conditions. We don't think that will apply since the water supply is based on a deep aquifer. However, the basic point would still be valid – if there is a shortage of available water, such as a well having to be shut off, any shortage would be shared by all customers on an equal basis.
5. On item 11 under Tribal Commitments on your copy, you asked about the Tribe holding BIA or BIE harmless if EPA fined HPUA. That's not a question I've asked the Council's Energy and Water Committee. The should probably discuss that at some point.
6. On Villages Commitments item 16 on your copy, you asked what happens if a village doesn't pay its fees. The HPUA is required to collect from a village even if the village fails to collect from its own customers. Additionally, we have discussed the fact that the Hopi Tribal Council provides unearmarked funds to each village that are referred to as H-13 funds and the Council could transfer a portion of these funds directly to HPUA if a village fails to pay its monthly fee.
7. On Villages Commitments item 18, which was added by someone, is EPA going to require that the villages completely disconnect their existing wells from their village distribution systems?
8. Also, someone – perhaps you – inserted USEPA everywhere where we had EPA. We're sticking to EPA since we're trying to write the agreement in everyday language to the extent we can. This is an agreement between the Tribe and Villages, not federal agencies, and EPA is the standard designation that everyone recognizes. I'm still thinking about whether we should propose using "MCL" since that doesn't mean a lot to most people. "Arsenic contaminant standard" or Safe Drinking Water Act arsenic standard" seems more user friendly.

Bill

William Bettenberg, Homer Law Chartered  
Ph. 202.955.5602 (Main Office: 202.955.5601)  
Fax 202.955.5605  
1730 Rhode Island Ave. NW -- Suite 501  
Washington, DC 20036

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